

**REMARKS/ARGUMENTS**

This paper responds to the Notice of Non-Compliant Amendment of November 26, 2004, and requests entry of the same Amendments requested in, and reconsideration of the application for the same reasons stated in, the Response to Office Action filed November 8, 2004.

Entry of this Amendment is proper because the Office Action of September 7, 2004 was prematurely made "final," as discussed in Applicant's "Request for Withdrawal of Finality of Office Action" filed by FAX on November 8, 2004. Applicant observes that this issue is now finally resolved in Applicant's favor, since no issue of finality or entry of the amendment was raised in the examiner's paper of November 26, 2004. Any question relating to entry of this Amendment on grounds that could have been raised in the paper of November 26, 2004 would constitute untimely "piecemeal examination" in violation of MPEP § 707.07(g).

In view of the amendments and remarks, Applicant respectfully submits that the claims are in condition for allowance. Applicant requests that the application be passed to issue in due course. The Examiner is urged to telephone Applicant's undersigned counsel at the number noted below if it will advance the prosecution of this application, or with any suggestion to resolve any condition that would impede allowance. In the event that any extension of time is required, Applicant petitions for that extension of time required to make this response timely. Kindly charge any additional fee, or credit any surplus, to Deposit Account No. 23-2405, Order No. 114596-26-0051BS.

Respectfully submitted,

WILLKIE FARR & GALLAGHER LLP

Dated: December 5, 2004

By: 

David E. Boundy  
Registration No. 36.461

WILLKIE FARR & GALLAGHER LLP  
787 Seventh Ave.  
New York, New York 10019  
(212) 728-8757  
(212) 728-9757 Fax